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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,844	08/18/2003	Alfred J. Lewy	90,559-T	3196

7590 08/13/2008

McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago, IL 60606

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/13/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/642,844	8/18/2003	LEWY ET AL.	90,559-T

McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago, IL 60606

EXAMINER

Leslie A. Royds

ART UNIT	PAPER
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1614	20080804
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DATE MAILED:

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Commissioner for Patents

NOTICE OF NON-RESPONSIVE AMENDMENT

Applicant's request for continued examination filed June 4, 2008 has been received and entered into the present application. Consideration of the remarks and documents contained therein has been performed herein by the Examiner. It is noted that Applicant discusses and relies upon the content contained in the publications to Arai et al., Demisch et al., Desir et al., Grota et al., Oxenkrug et al., Palazidou et al., Souetre et al., Davies et al., Garratt et al., Le Gouic et al., Mathe-Allainmat et al., Spasoni et al., Tarzia et al., Krauchi et al., Martinet et al., Redman et al. and Sack et al. at p.8-9 of the remarks in support of Applicant's position that the instant disclosure provides adequate disclosure of melatonin agonists and, thus, meets the written description requirements of 35 U.S.C. 112, first paragraph. However, it is noted on the record that Applicant has failed to provide copies of such references in the record for consideration by the Examiner, which precludes a full and complete consideration of the information contained therein to support Applicant's position that the claimed subject matter is adequately described as required by 35 U.S.C. 112, first paragraph.

Accordingly, by issuance of the instant notice, Applicant is requested (and afforded the opportunity) to provide full, clear and legible copies of each of the Arai et al., Demisch et al., Desir et al., Grota et al., Oxenkrug et al., Palazidou et al., Souetre et al., Davies et al., Garratt et al., Le Gouic et al., Mathe-Allainmat et al., Spasoni et al., Tarzia et al., Krauchi et al., Martinet et al., Redman et al. and Sack et al. references relied upon in the Remarks for consideration by the Examiner of record in order to fully and properly consider the persuasiveness of Applicant's remarks regarding the rejections of record.

Since the above-mentioned response appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached Monday through Friday, 9:00 AM to 5:30 PM. If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

/Ardin Marschel/
Supervisory Patent Examiner, Art Unit 1614

/Leslie A. Royds/
Patent Examiner, Art Unit 1614